



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/506,430 02/17/00 GREEN

L 15542-002310

HM22/0301
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO CA 94111

EXAMINER

LUKTON, D

ART UNIT	PAPER NUMBER
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1653

DATE MAILED:

03/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

UNITED STATES DEPARTMENT OF COMMERCE
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached sheet regarding applicants' communication filed 12/19/00 (paper Nos. 6 and 7).

Applicants' election of Group 1 with traverse is acknowledged. Pursuant therewith, claims 18-22 and 28-42 are withdrawn from consideration, since the elected claims are drawn to a method of treating a subject that is afflicted with a pathology, not to a method of inhibiting neovascularization. Thus, claims 23-27 will be under examination.


However, applicants have failed to elect species as required of the previous Office action (paper No. 3, mailed 5/24/00, and subsequently re-mailed 7/25/00). Applicants have attempted to comply with the "election of species" requirement by choosing G5 as the peptide, and G1 as the disorder. However, neither of these is a specie. In the case of the peptide, a specie is a fully defined structure, such that all substituent variables are accounted for, and, indeed all atoms in the molecule are accounted for. In addition the elected specie must fall within the confines of the elected group. In the case of the pathological condition, "G1" is not a disorder; it is instead a group of several disorders. For example, election of an "intracerebral tumor" would be an example of a specie within the confines of G1.

Applicants' traversal will be responded to after the requisite species have been elected. In addition, the possibility of rejoining one or more of the non-elected groups is not necessarily precluded.

The time for response is reset pursuant to this Office action. The time for response is again one month (or thirty days) from the mail date of this Office action. **Election of two species is required.** Failure to elect the species in response to this Office action will result in ABANDONMENT of the application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton [phone number (703)308-3213].


DAVID LUKTON
PATENT EXAMINER
GROUP 1800